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Mackenzie Valley Pipeline Inquiry

A Summary of Transport Canada's
Responsibilities and Activities
Respecting Aircraft Operations in
Northern Canada

Prepared for Commission Counsel,
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Authority to regulate and control aeronautics is vested in the Government of Canada and under Part I of the Aeronautics Act the Minister of Transport may make orders or regulations relative to the supervision and control of all aircraft in Canada with the exception of military aircraft, (of her Majesty).

Transport Canada regulations are basically similar for aircraft operations in both Northern and Southern Canada. There are some exceptions such as the Flight Precautions in Sparsely Settled Areas. Air Navigation Order Series V, No. 12 defines the limits of the Sparsely Settled Areas and lists the additional telecommunication and emergency equipments required for such flights.

Additional Transport Canada controls apply to specific areas related to National Security such as the Distant Early Warning Identification Zone (DEWIZ), ANO Series V, No. 14, and to specified National, Provincial and Municipal Parks (ANO Series V, No. 10). Flight restrictions in parks are in support of National, Provincial or Municipal legislation designed to prohibit or limit access to Wilderness Areas.

Transport Canada legislation is primarily designed to promote aviation in Canada and to ensure that satisfactory safety standards are maintained. To this end wildlife,



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particularly migratory birds, are considered hazards to aviation. Charts are printed in aeronautical information publications which show the major migration routes, staging areas, flight habits, etc., of a variety of migratory birds. These charts are intended to warn pilots of areas which could be hazardous to flight during migratory periods.

Although Transport Canada publications stress the hazard to aviation caused by birds, we are not insensitive to the requirement to protect wildlife from aviation. In the interest of conservation, pilots of aircraft are requested to avoid flight below 2000 feet over bird nesting areas and over herds of wild animals. Specific areas to be avoided are listed in aeronautical information publications and, although avoidance of these areas is not mandatory, pilots have to a large degree co-operated in this regard. Transport Canada publications also remind pilots of the provisions of the Migratory Bird Regulations regarding the use of aircraft to molest or hunt migratory birds.

Having outlined the general means of controlling aircraft operations which are available to Transport Canada, I will now address the more specific points relating to the proposed pipeline projects, namely:

- a) Control of aircraft using airstrips - as these strips will largely be privately owned, the owner/operator would have the authority to prohibit their use except for emergencies.

There are sufficient publicly licensed airports such as Inuvik, Norman Wells, Wrigley, Fort Simpson and Fort Nelson to provide for itinerant aircraft operations;

- b) Flight restrictions along the pipeline right-of-way - although it would not be feasible to restrict flight operations along the whole pipeline route, if in the opinion of the appropriate authorities there are specific areas in need of protection, pilots could be advised to avoid these areas;
- c) Flight altitude restriction - 2000 feet above ground - aircraft operating under Instrument Flight Rules (IFR) would not be greatly affected by the height restriction of 2000 feet above ground. However, the effect of such a restriction on aircraft operating under Visual Flight Rules (VFR) would be prohibitive. Such aircraft while in controlled airspace must remain 500 feet below cloud and rely on visual ground contact for navigation. Such a restriction would effectively limit their operations to weather conditions with a cloud base in excess of 2500 feet above ground. Helicopter operations would be even more severely restricted in that their normal operating altitude is below 2000 feet above ground. Helicopters,

of course, are particularly useful for such construction projects in that, because of their slow speeds and landing flexibility, they can continue to operate under very poor weather conditions. Even after the project has been completed periodic aerial surveillance at low altitudes will be required;

- d) Regulation of frequency of flights - the frequency of flights would be most difficult to forecast or to control. Operators would be required to take full advantage of suitable weather conditions and, because of weight limitations, helicopters and small fixed wing aircraft operate on a shuttle basis;
- e) Increased access and hence increased hunting - as previously mentioned, it is assumed that all of the new airstrips will be privately owned and operated and hence their use can be effectively controlled by the owner/operator;
- f) Predictions for aircraft activity in next 5-10 years - an increase of 5-6% per annum in itinerant aircraft traffic is predicted plus the pipeline construction peak period of 3 - 4 years. This peak period will likely result in an increase of 30% at the main airports at

Inuvik, Fort Simpson and Norman Wells and
a 100% increase at the work camp aerodromes
such as Wrigley, Fort Norman and Fort Good
Hope.

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It is clear that within existing legislation and resources it would be most difficult for Transport Canada to guarantee full control over all flight operations within such a vast area. The imposition of a 2000 foot minimum altitude restriction for instance would significantly impede aircraft operators and construction contractors and would be impossible to fully enforce.

There are, however, several measures which could be taken which would reduce the possible effects of aerial activities on wildlife in the area:

- a) ensure that all privately operated aerodromes are used only on a prior permission basis;
- b) determine if particularly sensitive areas exist and protect them by Ordinances promulgated by the Territorial or Provincial Governments;
- c) mount an extensive publicity campaign to impress on all pilots, contractors, etc., the importance of the protection of wildlife in the area and the serious consequences that may result from any unnecessary disturbance of birds or animals.

Most pilots flying in the north country realize the importance of all mammals in relations to the native welfare and, in that policing action would be most difficult, obtaining their full co-operation would appear to be the most likely means of minimizing disturbance to wildlife. If such a publicity program is considered desirable, Transport Canada could provide nation-wide coverage through our Air Information Publications.

